

4 Apr 2017

Leader's Handbook and Discussion Guide**BLUF.**

Marines, we have a problem. We have received reports that within our ranks we have Marines who have attacked other Marines on social media. The Marines who were targeted have primarily been female. Our readiness and unit cohesion are being adversely impacted by this gender discrimination and harassment. This erodes the trust and cohesion essential to our team down to the smallest units and is incompatible with our Corps values. This is our problem. We own it. We will fix it. We will eliminate this discrimination and harassment from our collective psyche.

Social media is a place in which discrimination and harassment has flourished. While social media has many valuable applications, the relative anonymity and a standoff distance of the internet can permit social media to become an incubator for irresponsible, often offensive and sometimes criminal behavior. Hateful comments and actions reflecting gender discrimination and harassment can take on dimensions in social media that magnify the negative impact of the behavior. Accordingly, much of this handbook focuses on social media misconduct. We should not, however, lose sight of the fact that it is the underlying gender discrimination and harassment we need to fix.

We will take a proactive role in addressing social media misconduct at every level. Your leadership is necessary to eliminate this inappropriate behavior. We, all of us, are required to ensure that our force understands that every Marine, as well as every Sailor assigned to our team, is a valued member and deserves the right to be respected. Respect is 24/7 and in all spaces, to include online.

One way we do this is by communicating with our Marines. We need to have open, frank conversations in small groups that educate Marines on how to conduct themselves online, and then teach them how to identify and report inappropriate online behavior. In addition to discussing social media conduct, the expectation is leaders at all levels will complement this discussion with a reaffirmation of our core values and how they reflect who we are as United States Marines. As stated in White Letter 1-17, our commanders and senior enlisted leaders will guide Marines through this issue and enforce our standards.

Gender discrimination and harassment in the social media environment is an issue we have worked to overcome for several years. Below is a summary of notable events and responses:

In May 2013, the Marine Corps was criticized for individual Marines' participation in derogatory social media sites. Then Commandant Gen Amos responded by outlining the ways the Marine Corps addresses social media conduct via its policies and training requirements.

In August 2014, Task & Purpose published an article alleging Marine social media misconduct. Following its publication, the Office of Marine Corps Communications (OMCC) identified 12 additional related sites allegedly linked to sexist and/or otherwise inappropriate social media conduct.

In February 2017, an investigative journalist and former Marine infantryman informed the USMC of his intent to publish a story exposing a closed Facebook group, Marines United (MU), where some members solicited explicit photos of female service members. The images were posted to a Google

Drive, accessible by some members of the closed Facebook page. Some women depicted on the Google Drive were identified as Marines. MU was reported to have approximately 30,000 members. The Naval Criminal Investigative Service (NCIS) opened an investigation into this issue on 22 February.

On 4 March, the story was published, and the blog titled "*Hundreds of Marines Investigated for Sharing Photos of Naked Colleagues*". The story was endorsed by the Center for Investigative Journalism.

On 7 March, the CMC released a video condemning the behavior. This video is available via the hyperlink under references (Ref. Media Link A).

On 10 March, the CMC held a press conference announcing the formation of a task force led by the Assistant Commandant to address the "subculture" that spawned the illicit activity. This press conference was followed by CMC White Letter 1-17, which addressed the conduct of Marines on social media.

On 14 March, the CMC released ALMAR 008/17 to update policy regarding the boundaries of appropriate online conduct. It specifically addressed good order and discipline, as well as applicable articles of the UCMJ.

On 17 March, the OMCC and NCIS held a joint media round table with the Pentagon Press Pool to clarify original reporting regarding MU and the extent of service member participation. This round table was covered by all major news outlets.

On 21 March, the CMC released White Letter 2-17 that requires all Marines to acknowledge the contents of ALMAR 008/17 via an official counseling entry in their service record books (page 11).

Marine Corps Next Steps. The CMC Task Force is established to review the processes and procedures to support reporting and accountability for those that do not reflect our ethos and the systems in place to support the victims impacted by the negative culture and social media misconduct. The Task Force does this through four working groups. One group, the Problem Framing Working Group (WG), serves to establish the scale and scope of the problem. The second group, the Current Operations WG, develops near-term actions to address inappropriate social media conduct to include gender discrimination and harassment, and operates an information fusion cell to assess the level of participation by active and former Marines in this type of behavior. The third group, the Policy Review WG, serves as the primary means to implement changes in all orders, directives and policies. The last group, the Futures WG, reviews and analyzes how the Marine Corps recruits, educates and trains Marines about discrimination, equality, respect, and our core values of Honor, Courage and Commitment. The Task Force consists of all ranks - officers, enlisted, and civilian - diversified by both gender and race, and represents all elements of the Marine Air Ground Task Force and Supporting Establishment.

Discussion Guide

You are essential to addressing this challenge of social media misconduct. In a small group setting, preferably at the platoon/section level led by the OIC, SNCOIC and NCOs, guide your Marines through the seven steps listed below. At the conclusion of the discussion, all should understand:

- Why inappropriate social media conduct to include gender discrimination and harassment, is incompatible with our core values of Honor, Courage, and Commitment.
- CMC guidance and Marine Corps policy on this issue as well as tips for safe online conduct.
- Tools available to commanders and the possible consequences of social media misconduct.
- The process for identifying and reporting social media misconduct.
- Resources available to victims and those who report social media misconduct.

Step 1. Re-affirm our Corps Values. Marines receive more than 50 hours of Values Based Training during the entry-level pipeline. The issue is not the time allotted for training, but rather how that time is utilized, and the need for frequent re-affirmation of our core values. The intent of this discussion is to remind Marines of the values we live by 24/7 and demonstrate how denigrating fellow Marines for any reason, to include gender, online or in other forms, conflicts with those values. Review and reaffirm our core values of Honor, Courage and Commitment, with specific emphasis on RESPECT as the cornerstone of Honor. Commanders are encouraged to use existing resources for this portion. Suggested resources are available via the Values-Based Training listed under references.

Step 2. Review CMC White Letters 1-17, 2-17 and ALMAR 008/17. The first letter published 10 March entitled “Recent Conduct on Social Media” provided CMC initial guidance, roles of leaders in addressing the subject, and where victims can find assistance. The second letter, “Social Media Guidance-Mandatory Counseling Requirement”—published 21 March provides information about the new page 11 entry regarding social media conduct. The intent of this discussion is for Marines to understand CMC’s concerns, the Service’s policy, and acknowledge completion of the page 11 entry. ALMAR 008/17 provides guidance for Marines concerning unofficial online activity that has an adverse effect on good order and discipline within, or brings discredit upon, the armed forces. Both White Letters and ALMAR 008/17 are available under references.

Step 3. Review tips for safe online conduct. Marines should be mindful of the following when engaging on electronic and social media:

- Closely review photos, videos or comments before posting. Ask, “What could a person do with the information? What are the risks of sharing or commenting? Could it compromise the safety or integrity of myself, my fellow Marines, or the Marine Corps? How would it reflect on myself or the Marine Corps? Is this in keeping with my commitment to our core values?” ***The correlation between safe online conduct and living by our core values is the most important part of this discussion.***
- Review all privacy settings. Platform security and privacy settings change frequently. Routinely check and update settings to be as restrictive as possible. Understand which personally identifiable information is viewable to the general public.
- Change passwords every 60 days and do not share passwords.

- Password protect all computers, phones, and other electronic devices to prevent unauthorized access.
- Be mindful that sharing media, like smart phones, external hard drives or cloud-based storage, provides others access to photos, videos and other personal matters.

Step 4. Review tools available for Commanders. The intent of this discussion is for Marines to understand the possible consequences and accountability of engaging in social media misconduct.*

*As an alternative, leaders may choose to review the vignettes in step 6 with their audience first, then return to steps 4 and 5. Either approach is suitable.

Marines are subject to the Uniform Code of Military Justice (UCMJ) at all times, even when off duty and on social media or other digital communication means; social media is a digital extension of a Marine's uniformed persona. A wide array of tools, administrative and punitive, is available to commanders when determining that a Marine has committed misconduct online which may include commenting, posting or linking to the material. Not every case will be a violation of the UCMJ. It is incumbent on commanders and senior leadership to exercise discretion and judgment to investigate, document, report, evaluate, and resolve cases appropriately. In some cases nonjudicial or court-martial action might be appropriate; in other cases administrative, non-punitive measures, may be appropriate; and in some cases no action may be appropriate. Attached to this discussion guide is the Accountability Options Chart (Ref. Attachment A) that presents the full spectrum of actions available to commanders. The chart is not prescriptive. It is intended to assist commanders in analyzing allegations or reports of online misconduct and determining appropriate action, and should be used in conjunction with the guidance of their local Staff Judge Advocate (SJA). Below is a summary of those accountability options.

Administrative measures may include, but are not limited to:

- Loss of MCMAP belt
- Loss of security clearance
- Informal counseling
- Extra Military Instruction (EMI)
- Formal written (6105) counseling; other Page 11
- Non-recommendation ("Non-Rec") for promotion
- Reduction in Professional and/or Conduct (Pro/Con) markings
- Fitness report markings (to include adverse fitness report and/or negative remarks)
- Relief for cause
- Competency Review Board (CRB)
- Non-judicial Punishment (NJP)
- Administrative Separation

Punitive actions (nonjudicial punishment or court-martial) may include (consult with local SJA):

- 88- Contempt towards officials
- 89- Disrespect towards a superior officer
- 90- Assaulting or willfully disobeying a superior commission officer

- 91- Insubordinate conduct toward a warrant officer, noncommissioned officer, or petty officer
- 92- Failure to obey an order or regulation (hazing, sexual harassment, dereliction of duty)
- 117- Provoking speeches or gestures
- 120a- Stalking
- 120c- Unlawful recording, viewing, or distribution of certain images or recordings
- 133- Conduct unbecoming an officer
- 134- General Article (including, but not limited to, contempt, disrespect, insubordination, indecent language, communicating a threat, and solicitation to commit another offense)

Additionally or alternatively, violation of the following federal statutes may be addressed at nonjudicial punishment or court-martial (consult with local SJA):

- Electronic Harassment – 47 U.S.C. § 223 (a)(1)(C) makes it a crime to anonymously use a telecommunications device (i.e. telephone, computer, or other electronic device used for communication) to harass a person; 47 U.S.C. § 223 (a)(1)(E) prohibits initiating communications via a telecommunications device solely to harass the recipient.
- Electronic Threats – 18 U.S.C. § 875 prohibits transmitting communications containing threats to kidnap or physically injure someone. It also criminalizes the actions of someone who, with the intent to extort (receive anything of value), electronically threatens to injure the property or reputation of a person. “Sextortion” (being tricked into providing sexual images and then being asked for money to not have the images published online) may fall under the provisions of this law.
- Cyber Stalking – 18 U.S.C. § 2261A prohibits a person, with the intent to kill, injure, harass, or intimidate someone, from using a computer (or other digital communications system), to engage in actions (or a course of conduct) reasonably expected to cause a person (or immediate family member, spouse, or intimate partner) substantial emotional distress.
- Obscenity – 47 U.S.C. § 223 (a)(1)(A) prohibits using a telecommunications device to make, create, or solicit, and transmit any obscene comment, request, suggestion, proposal, image, or other communication.
- Computer Misuse (“Hacking”) – A person engaging in cyber misconduct may also commit violations of 18 U.S.C. § 1030, if, for example, he or she exceeds authorized access to the computer or accesses the computer without authorization (i.e. hacks into an account or network) to send the harassing, intimidating, humiliating, or even threatening communication.

Similarly, many States possess laws that criminalize this type of misconduct. Article 134 may be used to prosecute these crimes in cases where it can be proved that the offense occurred in an area of exclusive or concurrent federal jurisdiction (generally, on base). Again, consult with your SJA.

Step 5. Review the social media complaint process guide and victim services. In accordance with ALMAR 008/17, Marines who have witnessed prohibited conduct should report the misconduct to their Chain of Command. For anonymous complaints or personnel not assigned to a Marine Corps unit (e.g. former Marines and concerned citizens) report complaints to NCIS through their website (see references page); by text; by using the TipSubmit App; and/or by phone.

The intent of this discussion is for Marines to understand the process for reporting a social media complaint, the way the Chain of Command handles the complaint, and services that are available to victims of social media misconduct. Commanders, Senior Enlisted Leaders, and other members of the Staff, to include the unit Victim and Witness Assistance Coordinator (VWAC) and Equal Opportunity Representative (EOR) or Equal Opportunity Advisor (EOA), are encouraged to review their specific roles in this process and develop immediate action procedures to manage social media complaints.

- A. Social Media Complaint Reporting Process.** Attached to this discussion guide is the Social Media Complaint Reporting Process (Ref. Attachment B) that provides commands with a process to follow when they receive information regarding a social media complaint. The narrative on the reverse side of the attachment defines the roles and responsibilities of the Command, Military Criminal Investigative Organizations (MCIOs) and the CMC TF Fusion Cell. This process is effective upon receipt until further guidance is published via an update to applicable Marine Corps orders.
- B. Victims Resources.** There are many resources available to victims of social media misconduct. The initial point of contact for these resources and other services is the unit VWAC. Those subjected to, or affected by social media misconduct, who wish to maintain privacy may reach out to the Chaplain and/or Victims' Legal Counsel (VLC). Other resources include:
- The Marine Corps DSTRESS line now provides 24 hours a day, seven days a week, anonymous phone and chat and referral service using a 'Marine-to-Marine' approach via 1-877-476-7734 and/or through www.marines.mil.
 - Behavioral Health Counselors (Community Counseling Program)
 - Sexual Assault Prevention and Response Victim Advocates
 - An MCCS website which was launched on 16 March 2017, provides options for support services for those impacted by social media misconduct. The website also contains Frequently Asked Questions about this issue. (Ref. Resources M&RA MF hyperlink)

Step 6. Using the social media complaint process guide, conduct a guided discussion using the vignettes listed below. The screen shots and vignettes below are intended to be used by commands at the lowest level (i.e. platoons and sections) to interact with their Marines. The intent of this discussion is to help Marines understand how these events unfold, identifying underlying gender discrimination, harassment, and possible social media misconduct, as well as potential repercussions.***

***Reminder: It is unlawful to harass a person because of their gender. Harassment does not have to be of a sexual nature and can include offensive remarks about a person's gender. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same gender.

1. A female SNCO informs her Battalion SgtMaj that, without her knowledge or consent, pictures she consensually took and willingly posted to her open social media page are being circulated on other websites. In these other sites, Marines are making inappropriate comments to the effect of: "I bet she likes it up the [expletive];" "If she were my SNCO, I'd [expletive] [expletive] her so hard." Another Marine, who is a friend of the SNCO and a member of the site provided the SNCO with screenshots of some of the comments. It is clear from the screenshots that all the commenters are aware that she is a SNCO. Some of the comments on the photo are by Marines who are junior to her, although not in her unit. Many of the junior Marines who made comments are within their first enlistment.

For purposes of this hypothetical scenario, the pictures that were consensually posted to the SNCO's personal social media were fully clothed and in appropriate civilian attire. The SNCO is personally offended by the comments and willing to participate in any future investigations and/or action.

What, if any, are the SgtMaj's responsibilities?

What next steps should the Commander take?

Do any of the Marines' comments conflict with our core values?

Do you think there would be similar comments if the SNCO were male? Would the screenshots become posted?

Is there gender based discrimination and harassment in this vignette?

Is this social media misconduct?

What resources are available for the SNCO? Who provides those resources in the unit?

2. A commander receives a complaint from Sgt Reed that a fellow Marine, Sgt Jones, from his unit stole his phone while he was in the shower. Sgt Jones sent himself a nude photograph that Sgt Reed took of himself for his girlfriend. Sgt Jones then shared this photograph in a private social media page. Marines from his and Sgt Reed's current unit as well as their previous units made sexually explicit and threatening comments about Sgt Reed. Sgt Jones initially claims, "We are all Sergeants just messing around."

What next steps should the Commander take once notified by Sgt Reed's mother?

Did Sgt Jones' behavior conflict with our core values? Which values and why?

What can the commander do about Sgt Jones' conduct?

What resources are available for Sgt Reed?

Is this social media misconduct?

3. 1stLt Smith has a picture taken from her social media page and published on a closed social media website where fellow Marines make derogatory comments pertaining to her physique. Members of the closed social media website include fellow officer and enlisted Marines from 1stLt Smith's battalion, as well as Marines from outside the battalion. LCpl Adams, a Marine in 1stLt Smith's platoon is a member of the closed website. He views 1stLt Smith as a mentor and is upset by the posts, so he decides to alert both 1stLt Smith and the company SNCOIC of the website and its content by providing screenshots and the web address.

What should the company SNCOIC do upon notification?

What steps should the Commander take?

Did LCpl Adams take the right steps?

4. Cpl Smith was selected for Battalion NCO of the Quarter. Her official picture was posted on the Battalion social media page. Marines in her platoon posted her photo to a closed "platoon" social media page in which Cpl Smith was a member. In the comments, under Cpl Smith's picture, members of the platoon posted comments such as "you look great", "hot" and "you look like trash in your uniform". One member of the platoon took her photo and turned it into a meme, and uploaded it into the comments with the caption "Only female Cpl in the Battalion with a high first class PFT, now NCO of the Quarter". Cpl Smith was clearly upset by the comments, and brought the issue to her platoon sergeant.

What should Cpl Smith's platoon sergeant do?

Do any of the comments or actions of her platoon members constitute social media misconduct? If so, what are potential consequences for each Marine that made a comment? If not, why?

What resources are available to Cpl Smith?

What should members of the closed "platoon" social media page that did not make comments do?

Is there gender based discrimination and harassment in this vignette?

5. A commander walks into his office on Monday morning and finds an envelope on his chair. The envelope has a note that says "I find these offensive" and is signed "a concerned Marine." The envelope contains printouts of the following screen shots.

****DISCLAIMER:** "The photographs below were originally published in the Task and Purpose Article, "The Sexist Facebook Movement The Marine Corps Can't Stop," by Brian Adam Jones, 20 Aug 2014. The USMC has chosen to use these as demonstrative aids during periods of instruction concerning proper conduct on social media. They are not being included for any other purpose. The Marine Corps does not condone or espouse any of the views captured by these photos and/or the comments within them."





What next steps should the Commander take?

Do any of these comments conflict with our core values?

Do any of these comments constitute social media misconduct?

Is there gender based discrimination and harassment in this vignette?

Step 7. Report completion and provide feedback via the chain of command.

Units will document completion of this discussion guide via local reports.

MARFORs and Deputy Commandants are directed to report that they have reviewed and discussed the contents of this handbook and discussion guide in accordance with the MARADMIN referencing this requirement.

Commanders are encouraged to provide feedback on this training to CMC TF Current Operations Section at CMC_TF_CurOps@usmc.mil.

References

Media Links.

- A. CMC Video: <https://www.dvidshub.net/video/512943/commandant-gen-neller-addresses-online-behavior>

Resource Links.

NCIS Tipline: <http://www.ncis.navy.mil/ContactUs/Pages/ReportaCrime.aspx>

IG: <http://www.hqmc.marines.mil/igmc/Resources/Submit-a-Complaint-/Command-Inspectors-General/>

M&RA MF: <http://www.usmc-mccs.org/socialmediaFAQs/>

(The below PDFs will be posted on the same sharepoint site as the guide)

<https://www.manpower.usmc.mil/cmc>

Values Based Training Resources

CMC White Letter 1-17

CMC White Letter 2-17

ALMAR 008/17 SOCIAL MEDIA GUIDANCE - UNOFFICIAL INTERNET POSTS

Attachments.

- A. Accountability Options Chart
- B. Social Media Complaint Flow Chart